

allowable if re-written in independent form to include all the limitations of the base claim and any intervening claims.

**The Section 103 Claim Rejections:**

Applicants' hereby traverse the Examiner's rejections of claims 58-62, 68, 69, and 75-81 and respectfully request reconsideration of these rejections. It is respectfully submitted that independent claims 58, 68, 75-78 all clearly define over the art of record and are not taught nor suggested by any of the references nor any combination thereof.

Applicants' invention as required by the claims at issue relates to a lowering of the upper rim of the sidewalls. This lowering of the sidewalls, lowers the pocket of the lacrosse head, as is known in the art, which can make it more difficult to check or dislodge the ball from the head during play. Additionally, by lowering the sidewalls, more velocity can be applied to a lacrosse ball during shooting and passing. Moreover, because of the contact nature of the game of lacrosse and also the fact that the lacrosse head is mounted on a stick or handle, it is important to know in what direction the lacrosse head is facing, i.e. is the open frame in the proper direction to receive a lacrosse ball (tactile stimuli). Applicants' claimed lacrosse head provides this benefit.

The Tucker reference discloses a conventional plastic lacrosse head for attachment to a handle. The Tucker reference does not disclose any lowering of the sidewall with respect to a datum plane defined by the stick. In fact, Figures 9 and 11 specifically teach raising the sidewall with respect to a datum plane. Thus, Tucker teaches away from Applicants' claimed invention.

The Minutes similarly fail to teach or disclose Applicants' claimed invention. The Minutes and specifically item 3 refer to a "new stick — offset below the center of the stick". Applicants' agree with the Examiner that the "Minutes [do] not clearly disclose the way the offset is accomplished." In fact, the Minutes appear to be referring to an offset of the lacrosse stick and not the lacrosse head. It is well known, both in recent times and ancient times that a lacrosse stick or handle could be curved or bent in order to allow more whip at the head which could increase the velocity at which the ball was shot. Moreover, even if the Minutes were referring to an offset of the lacrosse head, it is not clear if the top rim of sidewall is being offset or if the center of gravity is merely being lowered by placing a belly or other structure on the bottom rim of the sidewall, as is also now known. Thus, it is respectfully submitted that the Minutes do not teach, disclose, or suggest Applicants' claimed invention.

It is submitted that Applicants were the first to develop and publicly display a lacrosse head having an appreciable lowering of the sidewall below a datum plane to provide the features and benefits set forth above, including, tactile stimuli, increased shot velocity, and increasing ball retention in the head.

The Examiner contends that Cornelio discloses a head with a downward curving sidewall. Applicants' submit that Cornelio is not relevant to Applicants' claimed invention and that one of skill in the art would not look to Cornelio to address or solve any problems in the field of lacrosse. First, Cornelio appears to relate to the game of Jai Lai and does not utilize a netting or a separate handle. Instead, the Cornelio reference is

a single unitary structure for receiving and throwing a lacrosse ball. The Cornelio structure differs significantly from Applicants' claimed invention in that it is not intended to be cradled.

In fact, the handle has a flat surface to accommodate a user's palon for a specific throwing motion (col. 2, lines 11-16.) This reference thus teaches away from the tactile stimuli benefit of Applicants' claimed invention and also eliminates the possibility of one cradling motion. Moreover, because of the unitary configuration, it does not teach any retention of the ball in the apparatus. This is particularly true since, Cornelio is not used in a contact sport where players are trying to dislodge the ball such as through checking or the like. In fact, Cornelio specifically discloses structure for assisting in expelling the ball from the apparatus.

Thus, it is submitted that Cornelio does not teach or suggest applicants' claimed invention either alone, or in combination with any other reference of record. Moreover, the Cornelio reference is nonanalogous art and therefore would not be considered by one of skill in the art and therefore is not a proper basis for an obviousness rejection.

It is thus submitted that independent claims 58, 68, 75-78, and 82 all define over the art of record. It is submitted that dependent claim 59-62, 69, 79-81 also define over the art of record for the same reasons provided above in connection with the claims from which they depend.

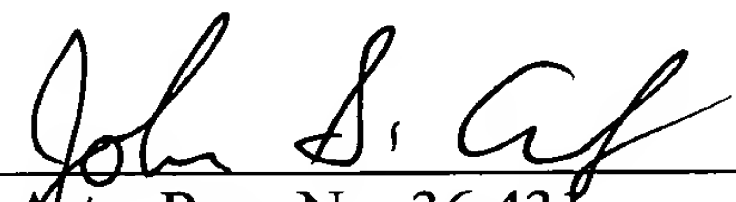
**Conclusion:**

Accordingly, it is respectfully submitted that all rejections of record have been overcome and should be withdrawn. A notice of allowability is therefore respectfully solicited.

If the Examiner should have any questions, he is urged to contact the undersigned at 248-223-9500.

Respectfully Submitted

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